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Attorney for Debtor

MARIAM DOLAMAKIAN

UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF CALIFORNIA

In Re:

ABRAHAM DOLAMAKIAN

MARIAM DOLAMAKIAN

Debtor

**DEUTSCHE BANK NATIONAL TRUST
COMPANY, AS CERTIFICATE TRUSTEE
ON BEHALF OF BOSCO CREDIT II TRUST
SERIES 2010-1**

Movant

MARIAM DOLAMAKIAN

Respondent

) Case No.: 16-04156-CL13

) RS NO.: AT-1

**) DECLARATION OF DEBTOR IN
) SUPPORT OF OPPOSITION TO
) MOTION FOR RELIEF FROM STAY**

) Date: December 19, 2018

) Time: 10:00 A.M.

) Dept.: 5; Rm. 318

) Judge: Hon. Christopher B. Latham

I, MARIAM DOLAMAKIAN, hereby declare as follows:

**1) I am the Debtor herein and hereby file this declaration in support of my opposition to
Movant's Motion for Relief from Stay (the "MFR"). I originally filed this bankruptcy Chapter 13
jointly with my husband. My husband was not able to participate in the 341 hearings and as a
result he was dismissed from the case.**

Case No. 16-04156-CL13

Declaration of Debtor in Support

Opposition to Motion for Relief from Stay

1 2) I am the owner of that certain real property located at 11057 Paseo Castanada, La Mesa,
2 California 91941.

3 3) As indicated in my Opposition to Motion for Relief from Automatic Stay, I believe the
4 fair market value of the real property is approximately \$552,417. This is based on a
5 www.zillow.com. I have not obtained a formal appraisal.

6 4) I oppose the Motion for Relief from Stay on the following grounds:

7 a. That the continuation of the automatic stay will not result in irreparable harm, injury or
8 damage to the moving party, nor will moving party's lien against Debtor's property be impaired.

9 b. I did fall behind on multiple payment following the filing of my Chapter 13 Petition.

10 c. Despite my best efforts and intent to make the mortgage payments, I failed to make the
11 required payments due unexpected expenses that came up during my bankruptcy which caused me
12 to redirect my income. Additionally, my income was reduced for a period of time due to a
13 slowdown in the business enterprise from which my husband and I receive income.

14 d. I understand that in order to save my home from foreclosure I must make all future
15 mortgage payments to the lender, and cure the post-petition arrears.

16 e. Notwithstanding the missed payment the lender is adequately secured.

17 g. I ask that the automatic stay remain in force and that lender provide me 12 months to
18 catch up on the post-petition arrearage.

19 5. The issues that gave rise to the missed payments has been resolved and I am in a position
20 to commence making the mortgage payments to the Movant, and cure the arrears if I'm provided
21 a reasonable repayment schedule for the post-petition arrears.

22 6. Movant's MFR does not make sense. Allegedly I am have accumulated post-petition
23 arrears \$23,085.27 according to the MFR. However, According to Movant's Exhibit "B" the
24 "Delinquency Tracker" shows missed monthly payments of \$316.83 per month from July 2015 -
25 9/15/2018 for a total sum due of \$8,554.41, not \$23,085 as represented in MFR. Sect. 7. Movant
26 should be obligated to reconcile why the monthly payments reflect in Exhibit "B" are not the
27 correct arrears amount (subject to late fees, and other penalties). I can't imagine how the post-
28

petition obligations for the time period went from \$8,554.41 to \$23,085. It appears that Movant has committed an error in calculation.

7. I hereby request that the lender provide me twelve (12) months to cure the post-petition arrears commencing January 15, 2019, or alternatively, if the lender is unwilling that the Court order the repayment of the arrearage over a twelve (12) month repayment schedule.

8. My husband and I filed this bankruptcy to avoid foreclosure, and to meet our financial obligations. I firmly believe that with another opportunity we can save our home from foreclosure.

6. I have discussed with my attorney that for services in filing this opposition and representing me at the hearing, he is requesting \$650.00 in attorney's fees, which sum shall be paid directly by me and not as an administrative expense through the plan.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on December 6, 2018 at San Diego, California.

DATED: July 19, 2018

/s/ Mariam Dolamakian

Mariam Dolamakian

Debtor